





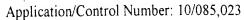
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APPLICATION NO. FILING I		DATE FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10.085,023	03 (	01. 2002	Hideo Kurihara	020137	8810
23850	7590	03-11-2003			
		ERMAN & HA	EXAM	EXAMINER	
1725 K STR SUITE 1000	·		GARCIA, JOANNIE A		
WASHINGT	ON, DC 20	)006		akť UNII	PAPER NUMBER
				2823	

Please find below and/or attached an Office communication concerning this application or proceeding.

•	Application No.	pplicant(s)					
•	10/085,023	KURIHARA ET AL.					
Office Action Summary	Examiner	Art Unit					
	Joannie A García	2823					
The MAILING DATE of this communication a Period for Reply	ppears on the cover sheet w	rith the correspondence address					
A SHORTENED STATUTORY PERIOD FOR REF THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a ref.  - If NO period for reply is specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by stat.  - Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).  - Status	1.  1.136(a). In no event, however, may a eply within the statutory minimum of thiod will apply and will expire SIX (6) MO ute, cause the application to become A	reply be timely filed  rly (30) days will be considered timely.  NTHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).					
1) Responsive to communication(s) filed on	<u> </u>						
2a) This action is <b>FINAL</b> . 2b)	This action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims							
4) Claim(s) 1-9 is/are pending in the application	on.						
4a) Of the above claim(s) is/are withd							
5) Claim(s) is/are allowed.							
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) 1-9 are subject to restriction and/or	election requirement.						
Application Papers							
9) The specification is objected to by the Exami	ner.						
10) ☐ The drawing(s) filed on is/are: a) ☐ ac	cepted or b) objected to by	the Examiner.					
Applicant may not request that any objection to							
11)☐ The proposed drawing correction filed on		disapproved by the Examiner.					
If approved, corrected drawings are required in	reply to this Office action.						
12) ☐ The oath or declaration is objected to by the	Examiner.						
Priority under 35 U.S.C. §§ 119 and 120							
13) Acknowledgment is made of a claim for fore	ign priority under 35 U.S.C.	§ 119(a)-(d) or (f).					
a) ☐ All b) ☐ Some * c) ☐ None of:							
2. Certified copies of the priority docume	ents have been received in	Application No					
Copies of the certified copies of the p     application from the International     See the attached detailed Office action for a l	Bureau (PCT Rule 17.2(a))						
14) Acknowledgment is made of a claim for dome	estic priority under 35 U.S.C	. § 119(e) (to a provisional application).					
a) ☐ The translation of the foreign language 15)☐ Acknowledgment is made of a claim for dome							
Attachment(s)							
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449) Paper No(s)</li> </ol>	5) Notice o	v Summary (PTO-413) Paper No(s) = f Informal Patent Application (PTO-152)					
S. Patent and Trademark Office							



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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

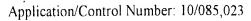
Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-5, drawn to device, classified in class 257, subclass 288.
- 11. Claims 6-9, drawn to method, classified in class 438, subclass 197.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as one that does

first and second insulating films, and forming a third insulating film.



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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner J. Garcia whose telephone number is (703) 306-5733. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax number for this group is (703) 308-7722 (and 7724) and (703) 305-3431 (and 3432). MPEP 502.01 contains instructions

JAG 3/4/03 George Fourson
Primary Examiner

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